

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	
	*	CASE NO. 11-10531 BKT
RAMON ANTONIO MONTAÑEZ MARTINEZ	*	
ZORAIDA ESQUILIN RODRIGUEZ	*	CHAPTER 13
	*	
DEBTORS	*	

**MOTION REQUESTING ENTRY OF ORDER
RE: DEBTORS' MOTION REQUESTING COURT AUTHORIZATION TO
INCUR IN CREDIT PURSUANT TO FRBP RULE 4001, DOCKET #50**

TO THE HONORABLE COURT:

NOW COME, **RAMON ANTONIO MONTAÑEZ MARTINEZ and ZORAIDA ESQUILIN RODRIGUEZ**, debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. On December 9, 2011, the debtors filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.* An *Order* confirming the debtors' proposed Plan was entered on February 15, 2012, docket no. 25.

2. The debtors' household size is: 3, the debtor, who works for a private Company, his spouse, co-petitioner Zoraida Esquilin Rodriguez, a teacher with the Puerto Rico Department of Education, and their son who is a full time college student.

3. The debtors are making current confirmed Plan payments of \$580.00 to the Chapter 13 Trustee.

4. It is debtors' intention to pay for a car repair, for which they will have to incur in a post-petition renewal of a personal loan with the Teacher's Retirement Fund.

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5. The debtor Zoraida Esquilin Rodriguez has been informed that she may renew her personal loan with the Teacher's Retirement System of Puerto Rico ("Sistema de Retiro de Maestros"), which loan will be guaranteed with debtor's retirement funds.

6. The debtors have contacted the Teacher's Retirement System and they have been issued a "pre-qualification" for said loan for which they will pay monthly installments of \$427.78, for sixty-months (60) months, at an interest rate of 10.00% per annum. It is to be noted that the debtor Zoraida Esquilin Rodriguez is currently paying Retiro de Maestros, through monthly employer deductions, the sum of \$427.78 for her current retirement loan.

7. The debtors will receive the sum of \$2,927.65 as net proceeds from the renewal of this personal loan, which sum will be used to cover for the following expenses: car repairs for debtor's 2004 Pontiac Vibe.

8. The debtors are current in their confirmed Plan payments to the Trustee and respectfully understand that they have the financial ability to incur in the personal loan with Teacher's Retirement System, to pay the \$427.78 per month, therefore, on December 23, 2013, they respectfully requested this Honorable Court to grant them authorization to incur in this post-petition credit, allowing them to continue with the loan closing process.

9. Furthermore, the debtors requested authorization from the Court to:

- a. incur in a post-petition loan in the sum of \$20,000.00 to renew their actual retirement loan with "Sistema de Retiro de Maestros", with net loan proceeds of \$2,927.65.

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10. Based on the aforementioned, debtors respectfully request the Court enter an Order allowing debtors to incur in the post-petition loan as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, debtors respectfully request this Honorable Court grant the present motion authorizing the debtors' request to incur in post-petition credit, as herein submitted.

NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I **CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to the Chapter 13 Trustee and all system participants; I also certify that a copy of this motion was sent via US Mail to the debtors, Ramon Antonio Montanez Martinez and Zoraida Esquilin Rodriguez, to their address of record: HC 03 Box 7157 Juncos PR 00777; and to all creditors and parties in interest in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 4th day of February, 2014.

/s/R. Figueroa Carrasquillo
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